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8 Attorneys for Plaintiff JOSEPH HOROWITZ

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 JOSEPH HOROWITZ,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA; UNITED  
16 STATES POSTAL SERVICE; HOWARD EARL  
17 FISHER III; and DOES 1 through 15, inclusive,

18 Defendants.

**CASE NO.: CV-17-02898 KAW**

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
RE FILING OF A FIRST AMENDED  
COMPLAINT PURSUANT TO F.R.C.P.  
15(a)(2)**

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1 Plaintiff Joseph Horowitz (“Horowitz”) and Defendant United States of America (“Defendant”)  
2 hereby consent and stipulate that pursuant to Federal Rule of Civil Procedure 15(a)(2), Horowitz may  
3 file the First Amended Complaint that is attached to the Stipulation as Exhibit A. Horowitz’s First  
4 Amended Complaint shall be the now-operative pleading in the above-captioned litigation. Defendant  
5 shall have 30 days from the date the amended complaint is deemed filed to file its responsive  
6 pleading.

7 IT IS SO STIPULATED:  
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9 Dated: January 11, 2018

Respectfully submitted,

11 BRIAN J. STRETCH

12 United States Attorney

13 /s/ David Pereda

DAVID PEREDA

14 Assistant United States Attorney

Attorney for Defendant

16 /s/ Leon V. Roubinian

17 LEON V. ROUBINIAN

18 Attorney for Plaintiff

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20 **\*CERTIFICATION**

21 Pursuant to Civil L.R. 5-1(i)(3), I, Leon V. Roubinian, hereby attest that Mr. Pereda concurred in  
22 the filing of this document.

23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25  
26 Dated: 1/22/18

Kandis Westmore

27 KANDIS A. WESTMORE

28 United States Magistrate Judge